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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,195	06/14/2006	Yves Decoster	ETF-0044	7712
23413 7590 02/22/2008 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER DUNLAP, JONATHAN M				
ART UNIT 2855		PAPER NUMBER		
MAIL DATE 02/22/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,195

**Applicant(s)**

DECOSTER, YVES

**Examiner**

JONATHAN DUNLAP

**Art Unit**

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 14, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 14, 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 6/14/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-5 and 12-13** are rejected under 35 U.S.C. 102(b) as being anticipated by **Knight et al. (Npl – The Use of EIT Techniques to Measure Interface Pressure)**.

Considering claim 1, Knight discloses a device for the detection of seat occupancy, comprising:

- a sensing layer associated to a seating surface of a seat, said sensing layer having at least one electrical property varying in response to a pressure and/or deformation applied to said sensing layer;
- a plurality of electrodes, said electrodes being associated to said sensing layer only at a periphery of a sensing area; and
- a control unit connected to said electrodes, said control unit comprising means for evaluating a pressure profile acting on said sensing layer by determining said at least one electrical property between pairs of electrodes selected from said plurality of electrodes (**Introduction, EIT Theory, Discussion, Pages 2307-2308**).

Considering claim 2, Knight discloses that said control unit comprises means for evaluating said pressure profile using a tomography imaging method (**EIT Theory, Algorithm Implementation, Figure 1; Pages 2307-2308**).

Considering claim 3, Knight discloses that said at least one electrical property comprises the electrical impedance of said sensing layer (**Abstract**).

Considering claim 4, Knight discloses that said at least one electrical property comprises the electrical resistance or conductance of said sensing layer (**Abstract**).

Considering claim 5, Knight discloses that said sensing layer comprises a rubber material having an internal electrical impedance which varies in dependence with a deformation of the material (**Abstract**).

Considering claim 12, Knight discloses a method for the detection of seat occupancy, said method employing a sensing layer associated to a seating surface of a seat, said sensing layer having at least one electrical property varying in response to a pressure and/or deformation applied to said sensing layer, said method comprising the steps of :

- determining said at least one electrical property of said sensing layer between pairs of different locations situated only at a periphery of a sensing area; and
- evaluating a pressure profile acting on said sensing layer based on the determined electrical property values (**Introduction, EIT Theory, Discussion, Pages 2307-2308**).

Considering claim 13, Knight discloses that said step of evaluating said pressure profile uses a tomography imaging method (**EIT Theory, Algorithm Implementation, Figure 1; Pages 2307-2308**).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Knight et al. (Npl – The Use of EIT Techniques to Measure Interface Pressure)** in view of **Scher et al. (U.S. Patent 7,066,376)**.

The invention by Knight fails to disclose that the sensing layer is foam material having internal electrical impedance that varies in dependence with deformation of the material.

5. However, Scher teaches a foam material having internal electrical impedance that varies in dependence with deformation of the material (**Figure 2(a); Column 5, lines 30-42; Column 1, lines 14-42**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize an foam material having internal electrical impedance that varies in dependence with deformation of the material as taught by Scher in the invention by Knight. The motivation for doing so is that the invention by

Knight proposes the use of the sensor in the development of seat cushions, which inherently are soft and deformable; therefore, it would flow naturally that the sensor itself should be made of a soft and deformable material that acts like a cushion, such as foam.

6. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knight et al. (Npl – The Use of EIT Techniques to Measure Interface Pressure)** in view of **Schmiz et al. (U.S. Patent 6,875,938)**.

The invention by Knight suggests one form of sensing layer, but fails to disclose that the sensing area is a foil based sensing area.

7. However, Schmiz teaches:

Considering claim 7, that said sensing layer comprises:

- a first carrier foil having at least one surface covered with a resistance material;
- a second carrier foil having at least one surface comprising a plurality of areas covered with a conductive material;
- said first and second carrier foil being arranged at a certain distance from each other by means of a spacer material such that said areas covered with conductive material of said second carrier foil face said coating of resistance material of said first carrier foil (**Figure 2; Column 1, lines 19-33; Column 2, lines 39-43; Column 4, lines 40-58; Column 5, lines 38-53**).

Considering claim 8, that said resistance material is printed onto said at least one surface of said first carrier foil (**Column 5, lines 51-53**).

Considering claim 9, that said conductive material is printed in said areas onto said at least one surface of said second carrier foil (**Column 5, lines 51-53**).

Considering claim 10, that said spacer material comprises an adhesive, which is arranged in a plurality of localized areas between said first and second carrier foil (**Column 5, lines 38-40**).

The invention by Knight teaches a device capable of utilizing tomography methods in association with sheet of variable resistance based on levels of deformation. The tomography methods do not require that a single sheet is used so long as the electrodes are connected to a substrate that has varying resistance/conductance areas. The invention by Knight does not disclose that the sensing area is first and second carrier foils sandwiching a resistive, conductive and spacing layers. The invention by Schimz teaches a pressure sensitive switching element that becomes more conductive in the localized areas of the conducting and resisting layers when an appropriate amount of pressure is applied. Because both Knight and Schimz teach pressure sensitive, deformable, variable resistive sensing layers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute one element for the other to achieve the predictable result of sensing localized pressure variance via resistance/conductance fluctuations.

8. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Knight et al. (Npl – The Use of EIT Techniques to Measure Interface Pressure)** in view of **Schmiz et al. (U.S. Patent 6,875,938)** as applied to claim 10 above, and further in view of **Yanai et al. (U.S. Patent 6,829,942)**.

The invention by Knight, as modified by Schmiz, fails to disclose that the space material comprises a printable adhesive.

9. However, Yanai teaches that said spacer material comprises a printable adhesive, which is printed in a plurality of localized areas onto one of said carrier foils (**Column 6, lines 61-67**).

Therefore, it would have been obvious to replace the spacer of the invention by Knight, as modified by Schmiz with a printable adhesivise spacer as taught by Yanai. The motivation for doing so is found in the teachings of Schmiz, "spacers can be formed by screen printing the thermosetting adhesive onto one of the base films, so the number of the steps for manufacturing the pressure sensor sheet can be reduced" (**Column 6, lines 64-67**).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN DUNLAP whose telephone number is (571)270-1335. The examiner can normally be reached on M-F 9-5.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward Lefkowitz/

Supervisory Patent Examiner, Art Unit 2855

/Jonathan Dunlap/  
Examiner, Art Unit 2855  
February 14, 2008